[DE] Inter-State Gambling Agreement Advertising Directive Enters into Force

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On 1 February 2013, the Werberichtlinie (Advertising Directive - WerbeRL), designed to put the Staatsvertrag zum Glücksspielwesen in Deutschland (Inter-State Gambling Agreement - GlüStV) into concrete form, entered into force. It had been adopted on 7 December 2012 by the Glücksspielkollegium (Gambling Commission) which, in accordance with Article 9a(5) to (8) of the Inter-State Gambling Agreement, is composed of representatives of all 16 gambling supervisory authorities and acts on behalf of the regional authorities.

Under Article 5(3)(1) GlüStV in conjunction with Articles 7 and 2(2)(7) of the Rundfunkstaatsvertrag (Inter-State Broadcasting Agreement - RStV), all advertising for public gambling is, in principle, prohibited on television, the Internet and via telecommunications devices. The Länder can, according to Articles 5(3)(2) to (3) and 9a GlüStV, jointly provide for exceptions to this rule, provided they adhere to the objectives of Article 1 GlüStV (prevention of addiction, combating the black market and associated crime, youth protection, and integrity of sporting competition). These exceptions are now mentioned in the WerbeRL.

Under Article 14(1) WerbeRL, exemptions from the advertising ban may be granted if the gambling provider or agent, licensed in accordance with Articles 4a et seq. GlüStV, submits an advertising concept describing the actual advertising measures and their scope.

Under the WerbeRL, advertising is also unlawful if it, for example:

- is specifically aimed at minors;

- is misleading;

- only emphasises the benefits of gambling;

- portrays gambling as a sensible strategy for improving someone’s financial situation;

- encourages people to try to win back their losses; or

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- inappropriately portrays the role played by luck in gambling.

The WerbeRL also contains special provisions for certain forms of gambling. For example, when sports betting is advertised in the context of a live sports broadcast, bets directly related to the sports event concerned may not be advertised. The WerbeRL also contains special rules related to means of advertising. For example, gambling may not be advertising in cinemas before 6 p.m. Shirt and perimeter advertising at sports events is not covered by the ban, however.

According to Article 13 WerbeRL, gambling advertisements must mention the risks of addiction, the ban on the participation of minors, and the advice and therapy available to gambling addicts. If maximum winnings are specified, the mathematical probability of the win must be mentioned. However, this information does not need to be included in simple image or umbrella brand advertising.

Sponsorship by gambling providers and agents is not forbidden and therefore not subject to approval.

Werberichtlinie des Glücksspielkollegiums vom 7. Dezember 2012

https://recht.nrw.de/lmi/owa/br_vbl_detail_text?anw_nr=7&vd_id=13689&menu=1&sg=0&keyword=werberichtlinie

Advertising Directive of the Gambling Commission of 7 December 2012

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